

DETAILED ACTION

1. Amendment and response filed by applicants dated Dec. 12, 2008 have been entered and considered carefully.

Claims 9-13 have been canceled. Claims 1-8 are pending.

2. *Examiner's Amendment*

Authorization for this examiner's amendment was given in a telephone interview with Paul Pyla on Feb. 18, 2009.

Claim 1 line 1, the term "derivative" is deleted and in its place the term
--compound-- is inserted.

3. *Reason for Allowance*

The following is an examiner's statement of reasons for allowance: ***

Applicants presented arguments that the motivation for modification of Christenssen et al. US 3,912,743 with attributes of Kozikowski et al. US 6,180,648 or Moldt et al. US 6,376,673 is lacking due to biological activity profiles of the prior art. It was noted that Christenssen et al. '743 specifically disclosed that the preferred compounds are 5HT uptake inhibitors and some may also have DA reuptake inhibition which may cause adverse effects (col. 8, last paragraph). While both Kozikowski et al. '648 (col. 11, table 1) and Moldt et al. '673 are compounds having dopamine reuptake inhibiting or dopamine transporter complex binding activity. Kugagy et al. evidenced that the binding of the dopamine system is indeed the undesirable side effects for 5HT reuptake compounds. Therefore, one having ordinary skill would not be motivated to modify the Christenssen et al. '743 5HT reuptake compounds using attributes contributing to side effects for such compounds i.e. the kozikowsk '648 or Moldt '673 compounds. The rejection of claims 1-8 under 35 USC 103(a) is dropped. Claims 1-8 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

Art Unit: 1625

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Celia Chang, Ph. D. whose telephone number is 571-272-0679. The examiner can normally be reached on Monday through Thursday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet L. Andres, Ph. D., can be reached on 571-272-0867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OACS/Chang
Feb. 19, 2009

/Celia Chang/
Primary Examiner
Art Unit 1625